

March 19, 2014

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, March 19, 2014 in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner D'anjou.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

Present: Commissioners D'anjou, Gibson, Griffiths, Polcari, Skoll, Watson and Chairperson Rizzo.

Absent: None.

Also Present: Planning Manager Lodan, Planning Assistant Yumul, Plans Examiner Noh, Associate Civil Engineer Symons, Sr. Fire Prevention Officer Kazandjian, Assistant City Attorney Sullivan.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, March 14, 2014.

5. APPROVAL OF MINUTES – None.

6. REQUESTS FOR POSTPONEMENTS – None.

7. ORAL COMMUNICATIONS #1 – None.

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Chairperson Rizzo reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

8. TIME EXTENSIONS- None.

9. SIGN HEARINGS- None.

10. CONTINUED HEARINGS

10A. MOD14-00001: MICHAEL SHAFER (BUFFALO FIRE DEPARTMENT)

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP90-59) to allow live music and social events for the community within the plaza area on property located in the Downtown Project Area, Commercial Sector at 1261 Cabrillo Avenue. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

Recommendation: Approval.

Michael Shafer, applicant, voiced his agreement with the recommended conditions of approval. He stated that since the last hearing, he met with nearby homeowners and business owners and has reduced the number of days events can be held and shortened the hours to comply with their wishes. He reported that he obtained the advice of a sound expert per the City's request and has purchased baffling material that will be hung during events to reduce the noise for adjacent condominium complexes. He noted that he did not ask supporters who attended the last hearing to come again this evening for the sake of expediency.

Gordon Gasser, 1281 Cabrillo Avenue, disputed Mr. Shafer's claim that he met with residents, stating that he spoke briefly with him in the plaza and he was not aware of anyone else who had spoken with him. He stated that the disclosure he signed when purchasing his condominium mentions that owners can expect sights, sounds and odors associated with an urban environment, which is open to interpretation, but he felt being subjected to concerts 52 weeks a year was just too much. He questioned whether permission for the concerts has been obtained from the plaza's owner and the Downtown Master Association (DTMA), which is in charge of the garage and common areas, including the plaza.

Steve Frame, 1281 Cabrillo Avenue, reported that Article 7.6 of the DTMA CC&R's prohibits noise or any other nuisance that is unreasonably offensive or detrimental to other condominiums or their occupants. He stated that the Fifth Amendment of the U.S. Constitution protects property owners whose property value is diminished by government activity, therefore the City may be required to compensate condominium owners who are unable to sell their properties at fair market value due to activities in the plaza. He contended that the plaza was not suitable as an event venue due to its small size, layout, and lack of architectural elements to block noise from nearby residences. Urging denial of the application, he voiced his opinion that any benefits of the sparsely attended concerts are outweighed by the negative impacts on the surrounding community.

Jason Yamamoto, owner of Yuzu restaurant, 1231 Cabrillo, stated that he was also representing the owner of Sekisui restaurant and the owner of La Pinkie Beauty Salon and all of them are opposed to weekend events in the plaza because their businesses suffer due to the noise.

Al Jones, 1301 Cabrillo Avenue, expressed concerns that residents did not receive notice of this hearing and had only a short time to review the staff report. He pointed out that while Mr. Shafer claims that he has reduced the number of events, there would be significantly more events as compared to 2013 if this permit is approved. He maintained that Mr. Shafer had done little to work with residents to reach a compromise and indicated that they were adamant about allowing concerts during summer months only. He shared a video clip from one of the concerts recorded on his cellphone.

Chairperson Rizzo explained that residents did not receive notice of this hearing because it was continued to a date certain.

Howard Fischkes, president of Brisas Del Sol Condominium Association, voiced objections to the concerts, contending that the loud music is a nuisance for residents. He reported that there was a similar situation a few years back when loud music from Keegan's Pub was disturbing nearby residents and the issue was promptly addressed by the City and the music was eliminated.

Shelly Ramirez, representing the property management company for 1218 El Prado and 1308 Sartori Avenue, which include commercial and residential units, expressed concerns that the concerts are making it difficult to retain existing tenants and attract new ones. She indicated that they were not entirely opposed to the concerts, but felt that limiting them to summer months from 5:00 p.m. to 8:00 p.m. would be more reasonable.

Danny Amat, representing the owners of 1218 El Prado and 1308 Sartori Avenue, stated that he is obliged to inform tenants about the concerts and this has led to concerns about noise and parking, which is already limited in this area. He reported that one commercial tenant is waiting to learn the outcome of this hearing before renewing his lease and two other businesses are coming up for renewal within the next couple of months. He noted that his trash bins are full to overflowing after these events, so there is also a problem with trash.

Responding to questions from the Commission, Mr. Amat confirmed that some of his commercial tenants are open during evening hours and clarified that he feels he has a moral obligation to inform potential tenants about the concerts even if it is not a legal requirement. He indicated that he favored limiting the concerts to June, July and August and urged the Commission to consider the interests of stakeholders.

Mr. Shafer noted that parking is a common problem in downtown areas, but at least in Torrance the parking is free. He explained that the problem is exacerbated by business owners who park in front of their businesses instead of leaving these spaces for customers and suggested that better enforcement of parking restrictions might be helpful. He confirmed that the landlord knows about this application and supports it. He reported that there are few businesses open on Saturdays after 6:00 p.m. and the concerts should not interfere with their ability to conduct business. He pointed out that he is also a stakeholder in downtown Torrance, with 40 families who depend on him for their livelihood and rent payments of \$10,600 per month and another \$15,000 in expenses. He explained that the concerts are a great help to his business at the Buffalo Fire Department as he sells only approximately 50 dinners on a typical Saturday evening and this doubles to 100 when there is a concert. He stated that he was confident that the noise issue has been resolved, but the only way he can prove it is to allow him to hold a concert.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Gibson and passed by unanimous voice vote.

A brief discussion ensued, and the Commission entertained the idea of allowing the events on a trial basis.

The public hearing was re-opened so Mr. Shafer could comment.

Mr. Shafer stated that he would appreciate a chance to show that he can minimize the noise and make it tolerable for residents. He clarified that he was proposing a movie night on Friday nights at which Disney movies will be shown beginning at dusk and ending no later than 9:00 p.m. and that concerts will be limited to Saturday nights from 6:00 to 9:00 p.m.

Planning Manager Lodan recommended, if the Commission wants to allow these events on a trial basis, that staff be directed to prepare an Event Permit instead of approving this Modification, which might have to be changed based on the outcome.

Commissioner Watson related her understanding that even though the permit requests approval for events 52 weeks a year, this is just an outside number and Mr. Shafer does not intend to hold events every week.

Mr. Shafer reported that Friday movie nights will be limited to warmer months when kids are out of school and he does not intend to hold concerts every Saturday night.

Discussion continued, and it was the consensus of the Commission to allow a three-month trial period, with movie nights to be held on Fridays only and concerts on Saturdays only.

Mr. Shafer requested that the trial period begin in April because he already has bands booked.

Audience members urged that the trial period be delayed until summer.

Chairperson Rizzo related his belief that it would be best to resolve this as soon as possible, noting that if problems develop there will be no summer concerts.

Mr. Gasser called for a reduction in the trial period from three months to two weeks and asked about enforcement.

Chairperson Rizzo advised that complaints should be directed to City staff.

Ms. Ramirez suggested that the applicant be required to hire a sound engineer to monitor sound levels and requested that she be provided with a list of events so she can inform her tenants about them.

Mr. Fischkes echoed the request that residents be notified of the events. He expressed concerns that the proposed location of the stage will block the fire lane and access to the fire hydrant.

Sr. Fire Prevention Officer Kazandjian reported that the applicant must submit a scaled plan showing the location of the stage and seating area and the Fire Department will review the plan to make sure that nothing is blocked. He noted that the Fire Department should be notified if any blockage of emergency access is observed.

Mr. Shafer explained that the stage does not block the fire lane as it's on the opposite side of the plaza and reported that he will personally monitor sound levels during each event.

Planning Manager Lodan advised that staff will include a requirement on the Event Permit that the applicant provide HOAs with a schedule of events. He noted that staff will present a status report at the July 16, 2014 Commission meeting.

Mr. Shafer requested that Commissioners personally attend at least one event so they can judge for themselves.

Chairperson Rizzo requested that staff provide Commissioners with a schedule of events.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Gibson and passed by unanimous voice vote.

MOTION: Commissioner Polcari moved to continue the hearing to July 16, 2014 and to direct staff to prepare an Event Permit for a three-month trial period from April to June, with events to be limited to movie nights on Fridays from dusk until 9:00 p.m. and live concerts on Saturdays from 6:00 to 9:00 p.m., and to report back to the Commission at the July 16 meeting. The motion was seconded by Commissioner Watson and passed by unanimous roll call vote.

Chairperson Rizzo advised the audience that there will be no additional notification and interested parties should plan to attend the July 16 meeting.

11. **WAIVERS** – None.

12. **FORMAL HEARINGS**

12A. **CUP14-00005: RICHARD NICKEL (FLOYD SANGER)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction and operation of an automobile repair facility on property located in the C-3 Zone at 2540 Sepulveda Boulevard. This project is Categorically Exempt from CEQA per Guidelines Section 15332 – In-Fill Development.

Recommendation - Approval.

Planning Assistant Yumul introduced the request.

Richard Nickel, applicant, reported that the proposed auto repair facility will offer lube services, oil changes, smog checks and brake repairs. He noted that he owns and operates another facility in Carson with his parents and would like to expand to Torrance. He voiced his agreement with the recommended conditions of approval and submitted renderings of the project.

In response to Commissioner Skoll's inquiry, Mr. Nickel indicated that the preschool located to the south of the site has no objections to the project.

Commissioners commented positively on the renderings.

Duminda Wijayaratna, owner of preschool located at 22504 Eriel Avenue, stated that he and his wife just purchased the preschool last month and only learned about this project from neighbors a couple of days ago and they are totally opposed to it. He related his understanding that there was an oil well on the site at one time, and expressed concerns that construction could stir up toxic fumes. He also expressed concerns that children would have their nap time interrupted by noise from the repair shop and that they would be subjected to pollution and contaminated waste.

Mr. Nickel explained that all work will be done inside repair bays and that site has been issued a clearance letter indicating that it's free of hazardous waste. He reported that he spoke with the mother and daughter who formerly owned the preschool and they did not express any objections.

Commissioner Skoll indicated that he was not inclined to approve the project until Mr. Nickel discusses it with the preschool's new owners.

Mr. Wijayaratna stated that the property has been in escrow since September 2013 and escrow just closed on February 21 and he felt there could be liability issues since the former owners never mentioned this project.

Planning Manager Lodan reported that the application for this project was filed on January 14, 2014.

Mr. Nickel noted that there is another auto repair facility about 75 yards away from the preschool.

Maduka Wijayaratna, co-owner of the preschool, stated that she was very concerned about health issues since some of the children attending the school have asthma and allergies. She contended that the school will be greatly impacted by noise from the auto repair shop, explaining that the school is located in a quiet area and this is essential for a Montessori school.

Mr. Nickel expressed his willingness to work with the Wijayaratnas to eliminate any issue that arises.

In response to Chairperson Rizzo's inquiry, Mr. Nickel confirmed that the service bays are drive-through and noted that the building is at the northwest corner of the property away from the preschool.

MOTION: Commissioner Gibson moved to close the public hearing. The motion was seconded by Commissioner D'anjou and passed by unanimous voice vote.

In response to Commissioner Griffiths' inquiry, Planning Manager Lodan advised that he was not aware of any soil contamination at the site and that a closure letter has been issued and no mitigation measures are required.

Commissioner Skoll related his preference to continue the hearing so the applicant could meet with the preschool's owners to try to alleviate their concerns.

Voicing support for the project, Commissioner D'anjou stated that California has incredibly stringent pollution laws therefore she did not believe the Commission should be concerned about that issue. With regard to noise, she reported that she works in the vicinity and walks in the area several times a day and contrary to Ms. Wijayaratna's remarks, it is very noisy and congested. She noted that the property has been vacant for some time and related her belief that the repair shop will be a nice improvement.

Commissioner Watson indicated that she was also familiar with the area and concurred with Commissioner D'anjou's remarks. She voiced her opinion that the auto repair shop was appropriate for the area, noting that there are other repair facilities in the vicinity along with a variety of other businesses.

MOTION: Commissioner Gibson moved to approve CUP14-00005, as conditioned, including all findings of fact. The motion was seconded by Commissioner D'anjou and passed by a 6-1 roll call vote, with Commissioner Skoll dissenting.

Commenting on their votes, Commissioner Skoll stated that he voted no because he thought the applicant and the preschool owners need to talk to each other, and Commissioner

Griffiths stated that he voted yes because there is another auto repair facility adjacent to the property.

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 14-017.

MOTION: Commissioner Polcari moved to adopt Planning Commission Resolution No. 14-017. The motion was seconded by Commissioner D'anjou and passed by a 6-1 roll call vote, with Commissioner Skoll dissenting.

13. RESOLUTIONS

13A. PRE13-00004: KELLY HAMM (YUKIMO HAYASHIDA)

Planning Commission adoption of a resolution reflecting their decision to deny a Precise Plan of Development to allow the construction of a new two-story single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 310 Calle de Arboles. This project is Categorically Exempt from CEQA per Guidelines Section 15303(a) – New Construction of Small Structures.

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 13-038.

MOTION: Commissioner Polcari moved to adopt Planning Commission Resolution No. 13-038. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote.

14. PUBLIC WORKSHOP ITEMS – None.

15. MISCELLANEOUS ITEMS

15A. COMMUNITY DEVELOPMENT DIRECTOR WEEKLY SUMMARY REPORTS

Planning Manager Lodan noted that the Community Development Director Weekly Summary Reports for February 28, and March 6, 2014 were distributed to the Commission.

16. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS – None.

17. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reviewed the agenda for the April 2, 2014 Planning Commission meeting.

18. ORAL COMMUNICATIONS #2

18A. Planning Manager Lodan reported that Costco has filed an application to build a new larger facility with a carwash on the Rockefeller property on Lomita Boulevard, which will take up about two-thirds of the site and the remaining area will be office uses as currently approved.

Commissioner Skoll related his understanding that Home Depot might be interested in taking over the existing Costco facility.

18B. Chairperson Rizzo commented that he thought the Commission had reached a reasonable compromise with regard to Item 10A.

18C. Planning Manager Lodan reported that demolition has begun at Del Amo Fashion Center and renovations are scheduled to be completed by 2015.

19. ADJOURNMENT

At 8:50 p.m., the meeting was adjourned to Wednesday, April 2, 2014 at 7:00 p.m.

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Approved as submitted April 16, 2014 s/ Sue Herbers, City Clerk
